

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

AUG 27 2019

Clerk, U S District Court  
District Of Montana  
Billings

TIMOTHY SCOTT BISHOP,

Petitioner,

vs.

COMMANDER BODINE,

Respondent.

CV 19-46-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on July 29, 2019. (Doc. 13). The Magistrate recommended the Court dismiss Timothy Scott Bishop's petition for a writ of habeas corpus and deny Bishop's motion to stay. (Doc. 13 at 6).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 13) are ADOPTED IN FULL.


IT IS FURTHER ORDERED Bishop's motion to stay (Doc. 11) is denied.

IT IS FURTHER ORDERED Bishop's petition (Doc. 1) is dismissed without prejudice for failure to exhaust state remedies.

IT IS FURTHER ORDERED the clerk of court is directed to enter by separate document a judgment of dismissal.

IT IS FURTHER ORDERED a certificate of appealability is denied.

DATED this 26<sup>th</sup> day of August, 2019.

  
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SUSAN P. WATTERS  
United States District Judge